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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

HD

Rcv'd by: AV

DAVID SCURTO,

Plaintiff,

v.

RYAN QUINTIN,

Defendant.

Civil Action No.: 23-cv-0218-LKG

Dated: February 7, 2023

MEMORANDUM ORDER

Ryan Quintin, who is self-represented, filed a Notice of Removal to this Court of an open criminal case, D-111-CR-22-000836, pending in the District Court for Frederick County, Maryland. ECF No. 1. It does not appear that Quintin filed a notice of removal in the State court case. *See* <https://casesearch.courts.state.md.us/casesearch/> (last viewed Feb. 6, 2023). Regardless, for the reasons discussed below, this action must be remanded to the state court.

Quintin filed his Notice of Removal pursuant to 28 U.S.C. § 1455, which permits such a notice to be filed when a defendant seeks to remove a criminal prosecution from a state court to federal court. 28 U.S.C. § 1455(a) (2021). When such a notice is filed, the federal court is required to “examine the notice” and “[i]f it clearly appears on the face of the notice and any exhibits annexed thereto that removal should not be permitted, the court shall make an order for summary remand.” 28 U.S.C. § 1455(b)(4).

Under 28 U.S.C. § 1443:

Any of the following civil actions or criminal prosecutions, commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending:


- (1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof;
- (2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law.

Id. Quintin, neither in his Notice of Removal or his subsequent pleading (ECF No. 3), clearly identifies the legal basis for removal. He therefore fails to demonstrate that his case falls within either of the statutory categories for removal of this action. Accordingly, summary remand is required, pursuant to 28 U.S.C. § 1455(b)(4).

Accordingly, it is this 7th day of February, 2023, by the United States District Court for the District of Maryland, hereby ORDERED that:

1. This case is REMANDED to the District Court for Frederick County, Maryland;
2. The Clerk shall TRANSMIT the record of this case to the Criminal Clerk for the District Court for Frederick County for consideration in the pending proceedings in *State of Maryland v. Ryan Quintin*, Crim. No. D-111-CR-22-000836;
3. The Clerk shall CLOSE this case; and
4. The Clerk shall PROVIDE a copy of this Order to Quintin.

IT IS SO ORDERED.


LYDIA KAY GRIGGSBY
United States District Judge